

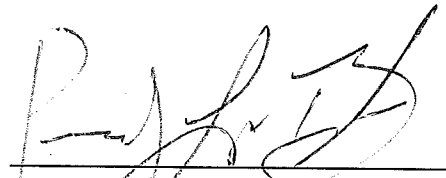
**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

Matthew C. Whitney
Debtor/Petitioner
Chapter 7
Case No.: 5-18- bk-00441

NOTICE OF MOTION TO DISMISS

AND NOW this 21st day of March, 2018 please be advised that I have filed the attached **Motion to Dismiss** as if fully set out in this document in the above case. Objections due by 04/11/2018. Hearing scheduled for 04/18/2018 at 09:30 AM - Courtroom 2, 197 S Main St, Wilkes-Barre, PA.

Respectfully,



Paul J. LaBelle, Esquire

UNITED STATES BANKRUPTCY COURT MIDDLE DISTRICT OF PENNSYLVANIA

Matthew C. Whitney
Debtor/Petitioner
Chapter 7
Case No: 5:18-bk-00441

MOTION TO DISMISS CASE

AND NOW, comes the Debtor/Petitioner, Matthew C. Whitney and requests that this Honorable Court dismiss the case at Bar for the following reason(s):

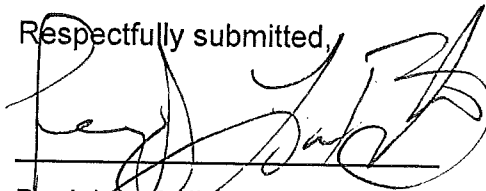
1. Debtor filed his Chapter 7 Bankruptcy Petition on February 6, 2018.
2. The single largest asset in this case is the primary residence located at 215 Thomas Street, Jessup, Pennsylvania.
3. At the time of the filing, the Debtor was in foreclosure on the primary residence as filed by M & T Bank, Baltimore, Maryland.
4. Since the said filing, M & T Bank has notified the Debtor that there are options heretofore not made clear to him by M & T Bank, that are available to him to restructure his primary residence mortgage through a loan modification without the assistance of the United States Bankruptcy Court.
5. Neither M & T Bank as the only secured creditor and all of the unsecured creditors will be prejudiced by the dismissal of this case at Bar.
6. That are no nonexempt assets available to the Trustee to seize and be sold for the benefit of the creditors.

7. Debtor has just realized that in all likelihood his income will increase in the future enabling him to pay his creditors outside of bankruptcy.

Wherefore, Debtor/Petitioner prays this Honorable Court will grant his Motion to Dismiss his Chapter 7 bankruptcy currently before this Court..

Date: 3-16-18

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Paul J. LaBelle', is written over a horizontal line.

Paul J. LaBelle, Esquire
Paul J. LaBelle & Associates, LLC
3703 Birney Avenue
Moosic, Pennsylvania 18507
570-504-0880, pjlesq@gmail.com

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

Matthew C. Whitney
Debtor/Petitioner
Chapter 7
Case No.: 5-18- bk-00441

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing **Motion to Dismiss Case & NOTICE OF MOTION TO DISMISS** were served on March 21, 2018 upon the following creditors & Trustees in the above case by the means indicated below:

First class mail, postage prepaid:

M & T Bank
PO BOX 62986
Baltimore, Maryland 21264-2986

Capital One Bank (USA), N.A.
PO BOX 71083
Charlotte, NC 28272 - 1083

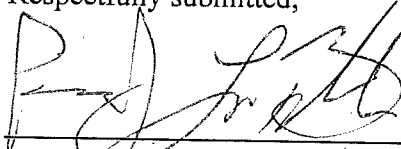
Comcast
PO BOX 3005
Southeastern, PA 19398-3005

Chase
Cardmember Services
PO BOX 15153
Wilmington DE 19886-5153

D. Troy Sellars
Trial Attorney
Federal Building, 11th Floor
228 Walnut Street, Suite 1190
Harrisburg, PA 17101

Mark J. Conway. Esquire
Trustee
502 S Blakely Street
Dunmore, PA 18512

Respectfully submitted,



Paul J. LaBelle, Esquire